

Serial No. 09/787,377
Group Art Unit: 3634

addresses the problem of high incident light in a workspace that typically affects, for example, a person's ability to view a computer screen (see page 1, paragraph 4 of the present application) by subduing incident light that would otherwise enter the workspace through an upper portion of a window associated with the blind while still providing some visibility outside for workers in the workspace through a lower portion of the window to prevent physical and mental strains of being alienated from the outside world for an extended period of time (please see page 1, paragraph 4 and page 2, paragraph 2 of the present application).

The Office Action states that while the upper portion in German '190 is the light transmitting portion and the lower portion is the light blocking portion, which differs from the presently claimed device, one of ordinary skill in the art faced with the Applicant's problem of blocking light at the top of the blind and permitting light through the bottom of the blind would have simply reversed the arrangement of these two portions in German '190 to come up with the Applicant's invention of claims 20, 29, 38, and 43. The Applicant respectfully disagrees with this position taken in the Office Action.

There is absolutely no motivation or suggestion to reverse the blind configuration disclosed in German '190 to come up with the Applicant's configuration. Moreover, German '190 clearly teaches away from the Applicant's configuration.

Regarding the needed motivation, firstly, the Applicant's invention of claims 20, 29, 38, and 43 and the invention of German '190 address different problems to be solved. The configuration in German '190 is directed to shield workplaces that are in the vicinity of a window against the blinding effect of direct solar radiation, without unduly darkening the backward, less well illuminated part of the room, yielding a natural illumination of the rest (rear part) of the room. Please see page 1, lines 21-24 of German '190 translation. In German '190, it is discussed that the fact that daylight can penetrate into the room and the depth of the room can be illuminated by natural light leads to energy savings by rendering any additional electrical illumination dispensable to a large extent. Please see page 2, lines 19-24 of German '190.

Serial No. 09/787,377
Group Art Unit: 3634

Applicant's invention is directed to solving a different problem than that of German '190. Applicant's invention is directed to subduing the total light transmitted through a window to a sufficiently low enough level to enable reading of screens in a workplace while still providing some outside visibility for workers in the workspace to prevent physical and mental strains of being alienated from the outside world for an extended period of time. Please see page 2, lines 7-20 of the Applicant's specification. It is discussed in the Applicant's specification that tests have shown that when a person stays for a long period in a space provided with a window decoration that is designed to subdue incident light from the outside, that person starts to feel unwell, leading to mental and physical strains. Please see page 1, lines 19-25 of the Applicant's specification.

Secondly, since the problems to be solved by the Applicant's invention and German '190 are different, the structures provided by the Applicant's invention and by German '190 are substantially different from each other and perform in a substantially different manner to reflect this difference. In the German patent's window, the upper portion of the window is the light transmitting portion for a reason. It is clearly shown in German '190 that the window configuration in that reference is designed to block rays that are lower, in the vicinity of a computer screen, while allowing upper rays to travel to the rest of the room to lighten up the rear part of the room. As stated, on page 5, lines 15-22 of the English translation of German '190, "In the schematic presentation in Fig. 2, the assumption was that the lower part 14 of the slats 10, in closed position, to a large extent reflects the sunlight 28 incident from the outside, whilst the upper part 12 of the slats 10, as indicated at 30, allows a part of the sun rays 28 to pass into the interior space. The penetrating rays 30, however, are above head level, at least adjacent the window, where in the example a screen workplace 32 is situated, and hence do not entail any disturbance at the workplace but do afford a natural lighting of the room as a whole."

In the Applicant's invention, it is the high incident light coming in from the upper portion of the window that is stated to be responsible for lighting up the entire room and that is said to interfere with the reading of computer screens in that room. It is the upper, high incident rays

Serial No. 09/787,377
Group Art Unit: 3634

that are blocked in the Applicant's configuration to subdue the total light transmission into the room. However, in the German reference, this concept is completely reversed. In the German reference, the upper high incident rays are welcome to enlighten the entire room for the purpose of saving electrical energy while the lower direct light in the vicinity of computer screens is unwelcome. In the Applicant's configuration, the lower direct light that is near the person's head is welcome and is important to achieve the purpose of the invention. According to the Applicant's invention, it is the lower portion of the window through which a person can still view the outside world, preventing any mental or physical strains.

The German reference does not recognize the problem stated in the Applicant's invention, and, thus, has not designed its window configuration accordingly. Even if mental strain caused by extended periods of alienation from the outside world was a problem recognized by the German reference, there would still be no motivation to completely reverse the window configuration in German '190. Even if one in the art recognized the Applicant's stated problem, one in the art would most likely provide only some illumination through the lower part of the window in German, just enough to recognize outside world shapes, and still would have left the upper portion of the German light-transmitting. Since the upper portion of the window is considered in the German '190 to be important in illuminating the rest of the room, thus, leading to electrical energy savings, one of ordinary skill in the art would have left the upper configuration in German the same. Thus, this modification would still not have resulted in the Applicant's configuration since the underlying problems to be solved are different between the two inventions.

Regarding the teachings provided by the German reference, the German reference clearly teaches away from the Applicant's configuration. The German reference, having designed a window that is particularly suited to solve the problem stated therein, clearly states that an important advantage is provided by its window configuration. On page 2, lines 25-28 of the English translation of German '190, it is stated, "a further positive effect of divided vertical blind slats is the protection from people looking in. For instance in banks or general practitioners'

Serial No. 09/787,377
Group Art Unit: 3634

offices, the blinds can be closed further than heretofore, to make it more difficult to look in from the outside, or to prevent same." Also, as discussed above, on page 5 of the English translation, German '190 states, "In the schematic presentation in Fig. 2, the assumption was that the lower part 14 of the slats 10, in closed position, to a large extent reflects the sunlight 28 incident from the outside, whilst the upper part 12 of the slats 10, as indicated at 30, allows a part of the sun rays 28 to pass into the interior space. The penetrating rays 30, however, are above head level, at least adjacent the window, where in the example a screen workplace 32 is situated, and hence do not entail any disturbance at the workplace but do afford a natural lighting of the room as a whole."

This teaching is clearly in sharp contrast to the Applicant's invention wherein the lower part of the window is specifically designed to penetrate light and give workers a view of the outside world.

In view of the above, the Applicant respectfully submits that German '190 fails to disclose or suggest or to provide sufficient motivation for one of ordinary skill in the art to completely reverse both the top and bottom portions of its blind configuration and to create a blind having features of claims 20, 29, 38, and 43. Any motivation to do so is clearly not provided by German '190 and would have only been provided by hindsight, looking at the Applicant's own specification and discussion of the problem.

Furthermore, German '190 clearly teaches away from Applicant's blind configuration recited in claims 20, 29, 38, and 43. German '190 discloses a different structure that functions differently to address a different unrelated problem than that addressed by the features of claims 20, 29, 38, and 43. Reversing the blind configuration in German '190 to provide for a blind that has a transparent lower face and a non-transparent upper face would defeat the purpose stated in German '190 of preventing direct lower incident light in a workspace that would affect a person's ability to view their computer screen and providing visual security by blocking visibility through the lower part of the blind. Therefore, the Applicant respectfully submits that claims 20, 29, 38,

Serial No. 09/787,377
Group Art Unit: 3634

and 43 and their dependent claims are not obvious and patentably distinguish over German '190 and withdrawal of this rejection is respectfully requested.

In the Office Action, claim 22 has been rejected under 35 U.S.C. 103(a) as being unpatentable over German '190 as applied above, and further in view of Levert. The Applicant respectfully traverses this rejection. As stated above, German '190 fails to disclose or suggest every limitation of claim 20. Levert fails to remedy the deficiencies of German '190 as it relates to claim 20. Therefore, claim 22 is allowable for at least the reason it is dependent upon an allowable base claim. The Applicant does not otherwise concede the correctness of this rejection.

Thus, in view of the above, withdrawal of this rejection is respectfully requested.

In the Office Action, claims 32 and 39-42 have been rejected under 35 U.S.C. 103(a) as being unpatentable over German '190 in view of Johnson et al. The Applicant respectfully traverses this rejection. As stated above, German '190 fails to disclose or suggest every limitation of claim 29. Johnson et al. fails to remedy the deficiencies of German '190 as it relates to claim 29. Therefore, claim 32 is allowable for at least the reason it is dependent upon an allowable base claim. The Applicant does not otherwise concede the correctness of this rejection.

As also stated above, German '190 fails to disclose or suggest every limitation of claim 38. Johnson et al. fails to remedy the deficiencies of German '190 as it relates to claim 38. Therefore, claims 39-42 are allowable for at least the reason they are dependent upon an allowable base claim. The Applicant also does not otherwise concede the correctness of this rejection.

Thus, in view of the above, withdrawal of this rejection is respectfully requested.

Serial No. 09/787,377
Group Art Unit: 3634

In the Office Action, claims 20, 21, 23-27, 29-31, 33-38 and 43-50 have been rejected under 35 U.S.C. 103(a) as being unpatentable over German 19537190 in view of Kearny. The Office Action states that Kearny provides additional motivation for modifying German '190 to provide the upper portion as light blocking and the lower portion as light permitting. The Applicant respectfully disagrees with this contention taken in the Office Action.

Firstly, one of ordinary skill in the art, looking at the disclosure of German '190, would not have consulted Kearny because Kearney describes a totally different type of window decoration comprising horizontal slats and a pliable shade material. German '190 expressly teaches away from the use of horizontal blinds and describes its invention as a vertical slat design that overcomes the shortcomings of prior art vertical slat designs. Please see page 1, lines 5-24 and page 2, lines 1-11 of the English translation of German '190.

It is not clear why one of ordinary skill in the art would refer to the disclosure of Kearny in modifying the design of German '190 and how one would perform such a modification. Kearny in Figure 1 shows a configuration wherein the upper shade assembly consists of a sheet of pliable material and the lower shade consists of a Venetian blind assembly. And, in Figure 7 of Kearny, the opposite configuration is shown. All of the configurations shown in Kearny, however, include the same idea of alternatively using a first sheet of pliable material and a second sheet of horizontal Venetian blinds. The vertical blinds of German '190, which are stressed as being the preferred design, function differently than the configuration shown in Kearny that has a horizontal Venetian blind component. The horizontal Venetian blinds of Kearny are clearly stated as being imperforate in construction (column 3, lines 42-46) and do not provide any suggestion for a combination with a perforated vertical slat design such as in German '190. Being able to tilt the Venetian blinds to allow in some light does not provide the guidance of putting perforations in a vertical slat blind design, as taught in German '190.

Secondly, even if one of ordinary skill in the art were to access the disclosure of Kearny, one would have had no motivation or suggestion from either reference to modify the

Serial No. 09/787,377
Group Art Unit: 3634

configuration of German '190 in view of Kearny. One, in fact, would have been dissuaded away from consulting Kearny given the teachings of German '190. As discussed above, German '190 expressly states that it is an object of the invention to shield the portion of the room which is relatively close to the window while at the same time allowing the higher rays to travel to the rear part of the room to illuminate the entire room, leading to energy savings from not having to use as much electricity. And this object is achieved by providing a vertical slatted blind having an upper face which transmits relatively more light than the lower face. German '190 also teaches away from a configuration wherein the lower portion of the window is allowed to transmit light. Protection from people looking in is stated as an important advantage of the design in German '190. The design in Kearny is not tailored to achieving these objects.

In view of the above, the Applicant respectfully submits that Kearny fails to provide sufficient motivation for one of ordinary skill in the art to completely reverse the blind configuration of German '190 and to create a blind having features of claims 20, 29, 38, and 43. Any motivation to do so is clearly not provided by Kearny since the problem to be solved in the Applicant's invention is entirely different and would have only been provided by hindsight, looking at the Applicant's own specification and discussion of the problem.

Furthermore, German '190 clearly teaches away from a combination with Kearny. Reversing both portions of the blind configuration in German '190 to provide for a blind that has a transparent lower face and a non-transparent upper face would defeat the purpose stated in German '190 of preventing direct lower incident light in a workspace that would affect a person's ability to view their computer screen and providing visual security by blocking visibility through the lower part of the blind. Therefore, the Applicant respectfully submits that claims 20, 29, 38, and 43 and their dependent claims are not obvious and are patentable over German '190 in view of Kearny and withdrawal of this rejection is respectfully requested.

In the Office Action, claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over German patent '190 in view of Kearny as applied above, and further in view of Levert. The

Serial No. 09/787,377
Group Art Unit: 3634

Applicant respectfully traverses this rejection. As stated above, the combination of German '190 and Kearny fails to disclose or suggest every limitation of claim 20. Levert fails to remedy the deficiencies of German '190 in combination with Kearny as it relates to claim 20. Therefore, claim 22 is allowable for at least the reason it is dependent upon an allowable base claim. The Applicant does not otherwise concede the correctness of this rejection.

Thus, in view of the above, withdrawal of this rejection is respectfully requested.

In the Office Action, claims 32 and 39-42 have been rejected under 35 U.S.C. 103(a) as being unpatentable over German '190 in view of Kearny as applied above and further in view of Johnson et al. The Applicant respectfully traverses this rejection. As stated above, the combination of German '190 and Kearny fails to disclose or suggest every limitation of claim 29. Johnson et al. fails to remedy the deficiencies of German '190 in combination with Kearny as it relates to claim 29. Therefore, claim 32 is allowable for at least the reason it is dependent upon an allowable base claim. The Applicant does not otherwise concede the correctness of this rejection.

As also stated above, the combination of German '190 and Kearny fails to disclose or suggest every limitation of claim 38. Johnson et al. fails to remedy the deficiencies of German '190 in combination with Kearny as it relates to claim 38. Therefore, claims 39-42 are allowable for at least the reason they are dependent upon an allowable base claim. The Applicant also does not otherwise concede the correctness of this rejection.

Thus, in view of the above, withdrawal of this rejection is respectfully requested.


Serial No. 09/787,377
Group Art Unit: 3634

It is respectfully submitted that each of the presently pending claims is in condition for allowance and notification to that effect is requested. Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicants reserve the right to raise these arguments in the future. The Examiner is invited to contact Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby.

Respectfully submitted,

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